IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8732 OF 2005

Devendra Rangnath Dhomse ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents.

Ms. A.V. Latne for the petitioner.
Mr. C.R. Sonawane, Assistant Government Pleader, for respondent Nos. 1 to 3.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 07, 2006**.

P.C.

The petitioner, an engineering student, in respondent No.4 College, has filed this petition challenging the order dated 28th October, 2005, passed by respondent No.2, Divisional Caste Certificate Scrutiny Committee, Konkan Division, Navi Mumbai, whereby the Committee ordered that the caste certificate issued to the petitioner by the Deputy Collector and Special Land Acquisition Officer, Mumbai Suburbs, was held as invalid and seized.

2. On a perusal of the said order, it seems that the petitioner

was given an opportunity to produce all relevant materials to justify his claim to be belonging to a reserved category. The report suggests that the case of the petitioner along with his sister Vandana was considered to establish the caste claim. The Committee observed that the residence of the petitioner and his father prior to the above mentioned date was doubtful. The petitioner has also not produced the School Leaving Certificate of his father to establish the caste claim. It appears that the father of the petitioner has mentioned in his application that unknowingly his caste is mentioned as Rajput in the School Leaving Certificate. The Committee, therefore, recorded a finding that Rajput and Rajput Bhamta are two different castes and do not have any connection with each other. It was submitted by the petitioner before the Committee that the documents on the basis of which validity certificate issued to his elder sister Kalpana were not available. Even the Advocate for the petitioner failed to produce the documents on the basis of which the said validity certificate was issued to the elder sister of the petitioner as they are missing and search of the same is going on. The Committee has, therefore, recorded a finding that till the date of the order the said documents were not submitted before the Committee. In spite of ample opportunities given to the petitioner, he failed to produce the same and, therefore, the Committee passed the

impugned order dated 28th October, 2005. There is, therefore, no reason for us to take a different view than the one taken by the Committee.

3. In spite of the same, this court vide its order dated February 02, 2006, gave one more opportunity to the petitioner to produce the documents based on which the certificate was validated in favour of the petitioner's elder sister. This court specifically directed that it was open to the petitioner within two weeks from that date to produce the documents on the basis of which the petitioner's elder sister's certificate was validated and if such documents are produced, the same would be considered.

4. Today, at the time of hearing, learned counsel for the petitioner submitted that even though the petitioner was informed the above order, the petitioner has not given any instructions as to whether he wants to produce the documents before the Committee.

5. Under such circumstances, we have no option but to conclude that the petitioner has no documents to produce before the

Caste Scrutiny Committee to substantiate his caste claim. We, therefore, see no merit in the petition. Petition is accordingly dismissed.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.